

CAMPAIGN FINANCE GOOD CAUSE REASONS AND WAIVER OF LATE FILING FEES

The Secretary of State and county clerks throughout the state have the authority to waive the payment of a late filing fee if the request for the waiver is based on "good cause." In order to receive a late filing fee waiver, the required filing statement or reports must be filed.

Waiver Request

A request for a waiver must be submitted in writing to the appropriate filing official and must contain:

- 1) the reason(s) for the request (the reason must be one of the "good causes" noted below),
- 2) adequate documentation, and
- 3) the signature(s) of the individual(s) required to file the particular statement or report upon which the late filing fee was or would be assessed.

First Category of Good Cause

There are two categories of "good cause" for waiving late filing fees. The first category defines "good cause" as:

- incapacitating physical illness
- hospitalization
- accident involvement
- death
- incapacitation for medical reasons

The persons who these causes relate to are limited to:

- 1) "A person required to file." In the case of a Candidate Committee, this is the candidate, treasurer, designated record keeper or a person whose participation is essential to the preparation of the statement or report. In the case of all other committees, it is the treasurer, designated record keeper or a person whose participation is essential to the preparation of the statement or report.
- 2) "A member of the immediate family" of a person required to file. Act 388 defines immediate family as a child residing in the individual's household, a spouse of the individual, or another individual claimed by that individual or individual's spouse as a dependent for federal income tax purposes.

Second Category of Good Cause

The second category is defined as unique, unintentional factors beyond the filer's control not stemming from a negligent act or non-action. The factors are:

- 1). The loss or unavailability of records due to a fire, flood, theft or similar reason. Adequate documentation shall consist of a police, fire or insurance report containing the date of the occurrence and the extent of the loss or damage.
- 2). Difficulties in the transmission of the filing to the filing official because of bad weather or strikes involving transportation. Documentation consists of relevant weather reports or verification of a transportation systems strike that directly affects systems necessary for filing the report or statement.

If the request for the waiver is properly submitted and involves a person noted above, in each case, the waiver must be granted if the documentation for each cause is provided as noted:

A. INCAPACITATING PHYSICAL ILLNESS

Adequate documentation consists of a doctor's statement noting the name of the patient, the incapacitating illness, and the date(s) of the illness.

B. HOSPITALIZATION

Adequate documentation consists of a copy of the hospital bill or doctor's statement showing the patient's name and the date(s) of the hospitalization.

C. ACCIDENT INVOLVEMENT

If medical attention is provided and results in the late filing, a copy of the hospital bill, emergency room services, or doctor's statement, showing the patient's name and date(s) and time(s) of medical attention, is adequate documentation. If the accident involvement results in delay or vehicle disablement which causes the late filing, adequate documentation consists of a police report showing the individual's name, the date and time of the accident, and, if applicable, whether or not the vehicle was disabled.

D. DEATH

Adequate documentation consists of a copy of the death certificate or an obituary notice.

E. INCAPACITATION FOR MEDICAL REASON

Adequate documentation consists of a doctor's, psychologist's, therapist's, or chiropractor's statement giving the nature of the incapacitation, the date(s) thereof, and the individual's name.

Denial of Waiver and Review of Denial

If a request for a waiver is denied, the person requesting the waiver will be informed in writing of the reason(s) for the denial.

Denials of waiver requests by the Bureau of Elections are subject to review by the Legal and Regulatory Services Administration, Richard H. Austin Building 4th Floor, Lansing, Michigan 48918. The person who was denied must request the review in writing and it must include all of the information required in the original request.

Other Considerations

The following are not "good cause" (not a complete list):

- not receiving notice of filing requirements
- not being in town
- not picking up mail
- not being aware of law or its requirements
- not knowing where to get forms
- not mailing filing until deadline date
- not sending filing to proper filing official